

November 12, 2008

Dear Distinguished Panel Members,

I am a homeowner living at 1581 Masonic Ave in San Francisco. I have lived in the neighborhood for 28 years. We lived directly across the street from our current residence for 23 years, where my husband and I raised our two daughters. San Francisco has long been our home, as you can well see. I feel truthfully disheartened and possibly ready to move from an area that has long been considered home for me. We have experienced incredible strife and hardship that has resulted from our desire to improve and create a new vision of home at our current residence.

The reason for our hardship has to do with our next door neighbor and their connection to a past contractor that we are presently in litigation against. The last significant hardship that we have had to deal with is the city's allowance of the issuance of complaint for matters that are directly allowed by the city per their code and permit process.

Let me begin by giving you a brief history. We began construction in May 2006 with a contractor who never took an exam to receive his contractor's license, and was instead grandfathered in by the state through the inheritance of his father's license. We did not discover this until we were involved in the litigation process. We terminated association with them in December 2006, as we began to have numerous concerns.

We are presently in litigation with this contractor. **Please see attached letter from our attorney.** This substantiates our present litigation with said contractor, who has provided information that has assisted our neighbor to register complaints.

Through much email correspondence and on-site contact, it was our understanding that the contractor and his on-site project manager were handling all matters related to the permit process needed to assure compliance with the city. How scary to discover, and with great consequence to us now, that the majority of permits needed were never rightfully secured. We have worked hard with the city to correct all these matters.

I would like to begin by saying that we have had nothing but positive experiences in dealing with the city officials in both your building and planning departments. Kate Connor, Dennis Carlin, Joe Duff, Kevin Brusatori, and Tim Frye. All these individuals are professional, and take the responsibility of their jobs seriously and with the utmost integrity.

You will notice that the first complaint issued by our neighbor was on 3.1.07, related to work beyond scope and they have since issued seven (7) complaints against us. Please be aware that these complaints are also for work matters allowed by the city under their permit and code process. The reason proper permitting was not done is because of our contractor and not because of us. These seven complaints have taken us to appeals court, various hearings, to Planning and DBI many times; not to mention everything needing to

be re-drawn, re-done, and re-submitted. This has caused such hardship, both emotionally and financially, to such a degree, that we have not been unable to finish our home. The financial amount related to attorneys, architects, engineers and time spent by our project manager, not to mention loss of sleep, feelings of oppression, revenge and harassment. This has all filled our lives for over two years now. The financial costs are estimated to be in excess of \$80,000. We have not been unable to finish the front of our home, to landscape, to finish lighting, painting, or interior fixtures. We have not been unable to secure a final on our project which means we could not even sell our home to be able to stop this insanity.

This one neighbor has been able to cripple us, in our building process by using your departments with his one single voice when everything that we are doing is allowable without a variance per city code. Obviously, the appeals process and discretionary review process needs to be revised.

★ I recommend that a form be created, under penalty of perjury, which has questions with limited allowable responses to not exceed 50 words. Then a site visit would be made by someone in planning to see if the criteria met the "exceptional and extraordinary circumstances that justify further consideration". It seems that during the on-site visit that your officials should be able to uphold your building codes and permit process. These codes and permits allowed were written for a reason. Leaving out personal biases, individuals of this city should be able to remodel, construct and otherwise create a more livable environment that thus limits unnecessary expenses and undo hardship because a neighbor doesn't like what your doing or they just don't like you; and now they have a venue to use to create hardship.

Please note that at the appeals hearing untruths were presented in a power point presentation that we could not refute because we had five minutes immediately following their presentation to present our information. This particular hardship, for a completely allowable fence, cost in excess of \$20,000.00 dollars, just for legal fees. We had 60 household petitions signed by neighbors in support of us.

Please do whatever you can to change the policies of your department so others do not have to experience these same hardships.

Yours Truly,



Candace Barnes



SUMMARY OF COMPLAINTS FOR 1581 MASONIC AVE 11.12.08

1.31.2007 COMPLAINT # 200790576:

Complaint regarding installation of a beam in the back exterior of property without a permit.

Complaint filled by previous contractor who was fired 12.2006; this contractor installed this beam. Currently in a law suit with said contractor.

Permit to correct issued 2.02.2007

3.01.2007 Side walk

Complaint related to replacement of sidewalk with pavers. This is Neighbors 1st complaint.

Permit issued.

4.10.2007 COMPLAINT # 200798796:

Complaint regarding possible Plumbing work being done under another's permit.

Complaint made by previous Plumber who was fired 12.2006.

Amended 7.12.2007

5.29.2007 COMPLAINT #200705872:

Complaint Work Beyond Scope

Complaint filed by neighbor. This is neighbors 2nd complaint 5.28.2007, and 3rd complaint 6.04.2007; all made to Dennis Carlin our DBI Inspector. This information came to the neighbors from the previous Project Manager for 1581 Masonic... Inside information. Again we are in a lawsuit against this person.

6.19.07 COMPLAINT #301397570

Complaint issuance related to Cal/Osha matters (General) Injury and illness prevention program, etc.

This is neighbor's 4th complaint.
Fine Paid

1.03.2008 COMPLAINT #200837632:

Complaint for Stop Work on Fence Permit #200712069826...going to Appeals Board. This is neighbor's 5th complaint.

Complaint made by neighbor on 12.26.2007. Dennis Carlin made a sit visit 12.12.2006, after receiving numerous complaints from the neighbor. We showed him our valid permit, number above, all was well. There was a mistake from the city regarding a BBN and thus we went to The Board of Appeals on 1.16.2008 to assess if our case warranted a full appeal. An appeal was warranted and we went back to the Board of Appeals on 4.9.2008 for our Hearing. A revised Fence plan was resubmitted and approved on 5.16.2008 (9826).

4.18.2008 ORDER #177,763 Issued from Director of Public Works

Complaint was for Removal of Palm Trees from front of property.

Complaint filed by neighbors, this is their 6th complaint. Trees were removed in 11.2006. We went to hearing on 8.20.2008. Decision made 8.27.2008. We are still protesting this decision.

7.17.2008 COMPLIANT # 2008865053:

Complaint was for Not Following Plans Regarding Windows and Doors.

Complaint filed by Neighbors who have information from the previous Project Manager.... Inside information. This is their 7th complaint.

Resolved 10.2008... lots of time and \$\$\$\$

8.12.2008 BBN ISSUED AGAINST BALCONY PERMIT #

Permit submitted 5.2008 delayed due to Windows and Doors complaint above. This is their 7th complaint